IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

WEDNESDAY, THE 5TH SEPTEMBER 2007 / 14TH BHADRA 1929

WP(C).No. 23861 of 2007(N)

OS.513/2006 of PRL.M.C., KOCHI

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PETITIONERS:

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1. V.V.RAPHAEL ALIAS PONNAN,
AGED 48 YEARS, SON OF LATE VARGHESE,
VELIKKETTIL HOUSE, CHAKKAMADAM, COCHIN-2,
MATTANCHERRY VILLAGE, KOCHI TALUK.

2. V.V.JOSEPH ALIAS BERLEY,
AGED 46 YEARS,SON OF LATE VARGHESE,
VELIKKETTIL HOUSE, CHAKKAMADAM, COCHIN-2,
MATTANCHERRY VILLAGE, KOCHI TALUK.

BY ADV. SRI.THOMAS CHAZHUKKARAN
SRI.T.P.JOSEPH

RESPONDENT:

J.X.VINCENT PAUL, AGED 56 YEARS, SON OF XAVIER,
7/805, CHAKKAMADAM, KOCHI-2, NOW RESIDING AT
RAILWAY QUARTERS, 53/1, RED HILLS,
NAMPALLY, HYDERABAD.

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 05/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N.KRISHNAN, J

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W.P.(C) No.23861 OF 2007

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Dated this the 5th day of September 2007

JUDGMENT

This writ petition is filed against the order of the Principal Munsiff's Court, Kochi, whereby it had directed to produce copy of the written statement filed. Copy of the written statement to the plaintiff had been furnished under Order IV Rule 1 of the amended C.P.C., there is a duty cast upon the plaintiff to file the plaint in duplicate and Order 7 Rule 11(e) enables the court to reject the plaint where it is not filed in duplicate. So far as written statement is concerned, there is no such provision to file written statement in duplicate. The Civil Rules of Practice only prescribes a procedure for giving copy of the written statement to the other side and not the other way. So the direction of the court below to file written statement with a duplicate copy is not warranted by the provisions of the C.P.C.. Therefore the order passed to that extent is set aside.

Writ petition is disposed of as above.

M.N.KRISHNAN, JUDGE

Cdp/-